

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON 25, D. C.

December 1, 1954

DEPARTMENTAL CIRCULAR NO. 776

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Transition to Career-Conditional Appointment System for the Competitive Service

NOTE: Unless specifically stated, these instructions do not apply to persons occupying positions under the Postal Pay Act of 1945, as amended and supplemented. These instructions apply to incumbents of excepted positions only to the extent specified in Section XV.

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I. PURPOSE AND SCOPE

This circular contains instructions necessary to implement portions of Executive Order 10577, authorizing the Career Conditional Program, effective January 23, 1955. The instructions cover (1) the conversion to career or career-conditional appointments of certain persons serving or who last served under indefinite appointments, (2) the conversion to career or career-conditional appointments of certain veterans who have a compensable service-connected disability of 10% or more, (3) special opportunities to compete in examinations for certain indefinite employees, and (4) other matters incident to the transition from an indefinite to a career-conditional appointment system in the competitive service. The automatic conversions prescribed by this circular shall not be delayed because of pending disciplinary action.

A statement of general principles underlying the career-conditional appointment system is contained in Departmental Circular No. 775.

II. SERVICE REQUIREMENT FOR CAREER APPOINTMENT

A. Service Requirement.

1. A three-year period of substantially continuous creditable service is prerequisite to career appointment in the competitive service, except as follows:
 - (a) appointments to positions paid under the Postal Pay Act of 1945, as amended and supplemented,
 - (b) appointments which, by law, are required to be made on a career or absolute basis (e.g., appointments of Hearing Examiners and appointments under P.L. 313, 80th Congress),
 - (c) until December 31, 1957, appointments of persons with a compensable service-connected disability of 10% or more, when such persons are recommended for career appointments, and
 - (d) appointments of persons now serving under probational and permanent appointments in the competitive service.
2. Any three-year period of service which is creditable and which is substantially continuous, as both conditions are described below, will satisfy the service requirement for career appointment.

B. Creditable Service.

1. In order to be creditable toward the service requirement for career appointment, a period of service must begin with other than temporary appointment to a position in the competitive service or with appointment by selection in regular order from a civil service register to a position in the excepted service. The only exception to this rule is

as follows: In determining the creditable service of a person who occupies a non-temporary excepted position when that position is brought into the competitive service, all continuous service from the date of his non-temporary entry into the excepted service shall be creditable.

[NOTE: The following kinds of appointments are "other than temporary": Probational, probational indefinite, career, career-conditional, war service indefinite, indefinite appointment under Regulations 2.115(a) and (b) and 2.114(h), reinstatements, employments under Part 7 of present regulations, and temporary appointments without time limitation from a register of eligibles to a non-quota job in the Post Office Department. (Unless an earlier date can be chosen because of prior non-temporary service, employees entitled to benefits of Public Law 121 shall be considered as having been non-temporarily appointed as of the date on which the benefits are found to begin.)]

The following kinds of appointments are "temporary": Temporary appointment pending the establishment of a register, temporary job appointment, other temporary appointments having a specific time limitation, and emergency appointments.]

2. In order to be creditable, the period of service must include service under an appointment which confers competitive status or eligibility for competitive status, e.g., probational, probational indefinite, career, career-conditional, and conversion actions under Civil Service Rule, Statute, or Executive Order. Such an appointment, including a conversion action taken under this circular, may have been acquired at any time during the period of service.
3. Periods of Federal service, (1) in the legislative branch, (2) in the judicial branch, (3) in the excepted service, (4) under temporary appointment in the competitive service, and (5) in the armed forces, which intervene between periods of creditable service are considered to be continuations of creditable service and are therefore also creditable.

C. Substantially Continuous Service.

1. In addition to being creditable, the three-year period of service must be substantially continuous in order to meet the requirement for career appointment in the competitive service.
2. As a general rule, the three-year period must not contain a single break in service of more than 30 calendar days. If the employee has not completed a three-year period of substantially continuous creditable service, a single break in service of more than 30 calendar days will require the beginning of a new three-year period. There are three exceptions to this general rule. In each of the following Circumstances, breaks in service of more than 30 days shall not be considered as breaking continuity of a period of service:

- (a) Breaks incident to entry into military service; and incident to return from military service or defense-transfer, provided that employment in the Federal service is secured during the period of statutory or regulatory restoration or reemployment rights.
- (b) Breaks following separation by reduction in force of employees who are eligible for the reemployment priority list, provided that employment in the Federal service is secured during the period of reemployment priority, and
- (c) Breaks incident to a restoration to correct an unjustified or improper separation.

D. Computing Substantially Continuous Creditable Service.

1. Full-time service shall be counted in its entirety.
2. Part-time and when-actually-employed service shall be counted on an actual service basis, including any periods of leave with pay. For this purpose, 6240 hours of paid time is the equivalent of three years' service, except that the service requirement may not be satisfied in less than three calendar years.
3. Any single period of (1) leave without pay, (2) furlough, (3) suspension, or (4) separation followed by reemployment as specified in paragraphs C. 2(a) and (b), above, shall be counted up to a maximum of 30 calendar days; except that, this maximum shall not apply to (1) cases identified in paragraph C. 2(a), above, or (2) any period of separation or suspension for which an employee is eligible to receive retroactive compensation under Public Laws 623-80th Congress, or 733-81st Congress.

E. Examples.

1. Excepted appointment 1940-1952. Direct hire indefinite appointment 1952-1953. Probational appointment 1953-1955. No breaks.-----Service from 1940-1952 not creditable. Start count with indefinite appointment in 1952.
2. Indefinite appointment 1952. Status acquired 1955. No break.-----Start count with indefinite appointment in 1952.
3. Probational appointment 1952-1953. Excepted appointment 1953-1954. Reinstatement 1955. No breaks.-----Start count with probational appointment. All service creditable, including intervening excepted service.
4. Probational appointment 1947-1949. Break 1949-1951. Indefinite appointment 1951-1953. Break 1953-1954. Indefinite reinstatement in 1954. Conversion in 1955. ----- Start count with indefinite reinstatement in 1954.

5. Probational appointment 1947-1949. Military service 1949-1953. 90-day break. Restored in 1953. ----- Disregard break and credit all service.
6. Probational appointment 1947-1949. Break 1949-1951. Indefinite reinstatement 1951-1953. 6-month break for removal in 1953. Restored on appeal and eligible for back pay. Continuous service to 1955. ----- Service from 1947-1949 not creditable. Disregard break in 1953 and credit all service after indefinite reinstatement in 1951.
7. Appointment to excepted position by selection from a civil service register 1952. Status acquired 1955. Reinstatement to a competitive position 1956. No break. ----- Start count with appointment to excepted position in 1952.

III. CONVERSION OF PRESENT PERMANENT EMPLOYEES

Employees serving under permanent or probational appointments (including those in the Postal Field Service) on January 23, 1955, shall have their appointments automatically converted to career. The execution of a Standard Form 50 is not required. It is suggested, however, that agencies notify such employees of their automatic conversion by an appropriate general announcement or notice.

IV. CONVERSION OF INDEFINITE EMPLOYEES SELECTED FROM REGISTERS

A. Coverage.

1. Employees who secured appointments or position changes by selection in regular order from competitive civil service registers established subsequent to February 4, 1946, and who are serving under indefinite appointments in the competitive service on January 23, 1955, shall have their appointments in the positions occupied on that date converted to career or career-conditional effective January 23, 1955. Under this principle the following groups are included:

- a. Indefinites who are serving and who have had indefinite appointments from registers, regardless of whether the current period of employment resulted by selection in regular order from a register;
- b. Indefinites who were noncompetitively reassigned or promoted by virtue of selection in regular order from a register; and
- c. Indefinites who were promoted upon prior approval of the Commission, where prior approval was based upon being within reach for selection in regular order from a register.

Those who meet the service requirement specified in Section II, above, shall be converted to career and those who do not meet the service requirement shall be converted to career-conditional.

B. Evidence of Selection from Civil Service Registers.

1. If any Standard Form 50 in the employee's official personnel folder shows the following appointing authority, there is a legitimate presumption that the employee is eligible for conversion: Civil Service Certificate number (or an examination announcement number where appointments were made directly from Board registers without a certificate), issuing office, and date.

NOTE: If special procedures of any certifying office resulted in register appointments without citation of the authority shown above, that office will notify appointing officers that other specific evidence is acceptable in lieu of the above citation.

If there is no Standard Form 50 showing this appointing authority, there is a legitimate presumption that the employee is not eligible for conversion, e.g., if the only authority cited is Regulation 2.115(b) or other authority used exclusively for appointments outside registers, then the employee is not eligible for conversion.

2. The determination of eligibility shall be based upon the Standard Form 50 alone, except where (1) there is reason to believe that Standard Form 50 is incomplete or in error, or (2) the Standard Form 50 shows an authority which is not adequate to warrant a final determination, such as Regulation 2.114(b) or "SF-59". In cases of this kind, the appointing officer shall first refer to other records in the agency, e.g., other documents in the personnel folder, and certificate files. Any errors discovered in this review, even though the error was made by another agency, shall be corrected to properly reflect the type of appointment under which the employee should be or should have been serving. "Remarks" on these corrected Standard Forms 50 shall include a statement of the evidence upon which the correction is based. Such corrected Standard Forms 50 shall then become evidence for determination of conversion eligibility.

Since citation of "C.S. Reg. 2.115(b)" is the principal entry in the authority box on S.F. 50 to distinguish between appointments made from and outside registers, it is particularly important to make this record search in any case where there is reason to believe that the citation of 2.115(b) may have been omitted inadvertently.

3. If this review of auxiliary records fails to resolve the case, the appointing officer shall request a decision on the case from the Board of Examiners or other Commission office which maintains records of the register from which the appointment may have been made.
4. Each request for decision shall be submitted individually and in duplicate, and shall be clearly labeled "REQUEST FOR DETERMINATION OF REGISTER APPOINTMENT." The following information shall be submitted with the request for decision: (1) Employee's name, (2) Employee's name at time of appointment, if different, (3) Employee's date of birth, (4) Title, service code, and grade (or wage board designation) of the position to which appointed, (5) If available, employee's examination rating, including any veteran preference designation (P-DP-CP-XP), (6) Date of selection or date of entrance on duty, (7) Identification of certificate numbers, examination records, or other records which have been reviewed in the agency, and (8) Type of appointment shown on agency records.
5. The Board of Examiners or other Commission office will determine whether its records indicate that appointment was made by selection in regular order from a register of eligibles. Based upon such finding, the appointing officer will be notified whether its records should be corrected to reflect a different type of appointment. This notice shall be filed with the permanent documents in the employee's official personnel folder. Conversion eligibility may then be determined upon the basis of the Standard Form 50 officially designating the proper type of appointment.

C. Other Requirements.

1. Apportionment. These employees shall be converted to career or career-conditional appointments without regard to apportionment requirements. However, non-veteran employees who are converted in apportioned positions shall have their appointments charged against the quota of the state claimed as legal or voting residence. Agencies are not required to obtain proof of residence.
2. Members of Family. Non-veteran employees with two or more members of their immediate family (as defined in the FPM) employed in the competitive service under career or career-conditional appointments are not eligible for conversion so long as this condition exists.
3. Physical Examination. These employees shall not be required to take a physical examination, since they were required to meet physical requirements at the time of the appointments upon which conversions are based.

4. Appointment Forms. These employees shall not be required to execute new appointment forms, such as SF 61, SF 57, and security forms, except as may be necessary to determine compliance with the members-of-family and citizenship requirements.

D. Conversion Action.

1. Agencies shall issue a Standard Form 50, Notification of Personnel Action, to each employee found eligible for conversion to career or career-conditional appointment. In addition to general instructions in Chapter R-1 of the Federal Personnel Manual, follow these specific instructions:
 - (a) Nature of Action. "Conversion to Career Appointment" or "Conversion to Career-Conditional Appointment" dependent upon whether the employee meets the service requirement for career appointment.
 - (b) Civil Service Authority Citation - "D.C. 776."
 - (c) Effective Date - "January 23, 1955."
 - (d) Remarks
 - (1) If the conversion is to career-conditional appointment, state the date upon which service creditable toward the service requirement for career appointment begins, e.g., "Substantially continuous creditable service begins on (Date)." (This information may be used to signal service record cards, Standard Form 7, to indicate eligibility for career appointment three years after the date shown.)
 - (2) "Service from (date) credited on probationary period" if the employee is serving a trial period at the time of conversion.
 - (3) Date of the appointment used as the basis for conversion eligibility and the authority for such appointment, e.g., "Appointed 1-5-53 under CSC Cert. #435, 5th Reg., 1-2-53."
 - (4) If the conversion is to "Career-Appointment", state the most recent period of substantially continuous creditable service which represents compliance with the service requirement, e.g., "Substantially continuous creditable service from 10-2-50 to (date of conversion)".
2. One copy of the Standard Form 50 issued for each non-veteran in the Departmental Service shall be forwarded to the Bureau of Departmental Operations, U. S. Civil Service Commission, Washington 25, D. C., ATTENTION: EXAMINING DIVISION.

V. CONVERSION OF EMPLOYEES SERVING UNDER INDEFINITE APPOINTMENT
BASED UPON PRIOR SERVICE WITH A COMPETITIVE STATUS

A. Coverage.

Employees serving under indefinite appointments in the competitive service on January 23, 1955, which appointments were made noncompetitively and based upon prior service with a competitive status, shall have their appointments in the positions occupied on that date converted to career or career-conditional, effective January 23, 1955, dependent upon whether they meet or fail to meet the service requirement for career appointment. Any such employees in the field service of the Post Office Department whose salary rates are fixed by the Postal Pay Act of 1945, as amended and supplemented, shall have their appointments converted to career (without regard to the service requirement in Section II, above), if they are serving in or can be placed in positions in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes).

Any employee in the field service of the Post Office Department, who is not converted because he is not serving in or cannot be placed in a position in the authorized complement of permanent positions, shall be so converted upon the occurrence of the first vacancy in the authorized complement of permanent positions in the office where employed.

B. Evidence of Noncompetitive Appointment Based on Status.

Documents in the employees' personnel folders, e.g., the Standard Form 50, are the only sources for determining eligibility for conversion of these employees. The following authority citations will satisfy this requirement: (1) 7.105(a)(1) or 7.104; (2) 20.7(a) and 20.7(c); (3) 20.11(d); (4) D.C. 698; (5) 2.114(h), where appointment was "Temporary appointment (emergency indefinite) in lieu of reinstatement," and where other evidence establishes prior service with competitive status. The determination of eligibility shall be based on these records alone. (If the records reveal that an employee is eligible for a noncompetitive appointment based upon prior service with a competitive status but was not given such an appointment, the agency may desire to change the appointment action to reflect such noncompetitive appointment as of the current date. Where the agency chooses to change appointment actions and the changes are made prior to January 23, 1955, the employees shall be converted to career or career-conditional as provided in paragraph V-A above.)

C. Other Requirements.

1. Apportionment. These employees shall be converted to career or career-conditional appointments without regard to apportionment requirements. However, non-veteran employees who are converted in apportioned positions shall have their appointments charged against the quota of the state claimed as legal or voting residence. Agencies are not required to obtain proof of residence.

2. Members of Family. Non-veteran employees with two or more members of their immediate family employed in the competitive service under career or career-conditional appointments are not eligible for conversion so long as this condition exists.
3. Physical Examination. These employees shall not be required to take a physical examination, since they were required to meet physical requirements at the time of the appointments upon which conversions are based.
4. Appointment Forms. These employees are not required to execute new appointment forms, such as, SF 61, SF 57, and security forms; except that, agencies must determine that the employees are citizens of or owe allegiance to the United States and that the action complies with the members-of-family requirement.

D. Conversion Action.

Instructions contained in paragraph IV-D, above, apply to these conversions.

VI. CONVERSION OF VETERANS WITH A SERVICE-CONNECTED
DISABILITY OF 10% OR MORE

A. Conversions under Section 11.301 of the Regulations.

1. Coverage.

Employees entitled to veteran preference who have a compensable service-connected disability of 10% or more may acquire a competitive status and career appointment subject to completion of a probationary period, if they are so recommended by their agency not later than December 31, 1957, and if they are serving in a competitive position under

- an indefinite appointment and are not otherwise eligible for conversion to a career or career-conditional appointment;
- a temporary appointment pending establishment of a register; or
- a temporary appointment for job employment which has been continuous for more than one year.

2. Conversion Action.

Conversions authorized by Section 11.301 of the Regulations require prior approval of the Civil Service Commission. For further instructions regarding conditions of eligibility and submission of recommendations for prior approval, see the forthcoming changes to Chapter C4 of the Federal Personnel Manual.

B. Conversions under section 11.302 of the Regulations.

Employees entitled to veteran preference who have a compensable service-connected disability of 10% or more and who are serving under career-conditional appointments based upon selection in regular order from a register of eligibles may have their appointments converted to career appointments after completion of probation. Instructions regarding such conversions will be contained in the forthcoming changes to Chapter C4 of the Federal Personnel Manual.

C. Appeals.

Any employee covered by this Section whose agency does not recommend him for acquisition of competitive status and career appointment under Section 11.301 of the Regulations, or for conversion to career appointment under Section 11.302 of the Regulations, may appeal to the Commission not later than December 31, 1957. The Commission may then request the agency to determine whether it will recommend any such employee for acquisition of competitive status and career appointment or for conversion to career appointment. Within 30 days after receipt of the Commission's request, the agency must recommend the employee for conversion as provided herein, or must advise that it will not recommend him. If no reply is received within 30 days, the Commission will assume that a recommendation has been made and will take appropriate action to confer competitive status and/or career appointment.

VII. CONVERSION OF INDEFINITES WHOSE POSITIONS WERE BROUGHT INTO THE COMPETITIVE SERVICE ON AND AFTER DECEMBER 1, 1950, AND BEFORE JANUARY 23, 1955.

A. Coverage.

An employee serving on January 23, 1955, under indefinite appointments received within the above time limits may be given opportunity for conversion to career or career-conditional appointments when the Commission determines that:

- (1) He occupied a permanent excepted position when it was brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A, B, or C of the Civil Service Regulations, or
- (2) He was employed in a post office when it was advanced from Fourth Class to a higher class or a post office was consolidated with an office in which employees are in the competitive service, or
- (3) The Federal Government took over a public or private enterprise or an identifiable unit thereof and he thereby became an employee of the Government.

If an agency finds that it has employees who may be recommended for conversion under these conditions, it should notify the Bureau of Departmental Operations, U. S. Civil Service Commission, Washington 25, D. C., so that necessary determinations may be made prior to individual recommendations for conversion.

B. Eligibility and Conversion Action.

Conversion of these employees is authorized by section 3.101 of the Civil Service Regulations, and may be accomplished under instructions in Chapter C-4 of the Federal Personnel Manual. None of these conversions may be made effective prior to January 23, 1955.

VIII. CONVERSION OF INDEFINITES SERVING ON JANUARY 23, 1955,
WHO ARE NOT OTHERWISE PROVIDED FOR IN THIS CIRCULAR

A. Competing in Examinations.

Every effort will be made to give indefinite employees serving on January 23, 1955, whose conversions to career or career-conditional appointments are not otherwise provided for in this circular, an opportunity to compete in civil service examinations and to be so converted upon (1) being selected in regular order from registers of eligibles established pursuant to the examinations, and (2) being appointed to positions properly filled by selection from such registers. In addition to opportunities for applying under examinations which are open to the general public, these indefinite employees shall be permitted to file applications under two examinations which are closed to the general public, provided: (1) That the registers of eligibles established pursuant to the examinations are in active use at the time of filing, (2) that the registers of eligibles are appropriate for certification to the appointing or nominating officer having jurisdiction where the employee is working at the time of filing, and (3) that the applications are filed on or before June 30, 1955. Persons who cannot exercise this late filing privilege because they are in the armed forces, shall be permitted to file late up to 30 days following reemployment.

NOTE: In addition to these privileges, employees are permitted to request restoration to current registers on which their names formerly appeared.]

B. Late Filing Procedures.

The offices of the Commission, including Boards of Examiners, will advise agencies of those registers which are active and agencies will make this information available to employees. As soon as possible thereafter, agencies shall give each indefinite employee who is eligible to file late, and who wishes to do so, two copies of a brief statement to the effect that he is eligible to file late under the provisions of this circular. Each copy of this statement must bear the signature (or facsimile) of the appointing or nominating officer, or other responsible official, of the activity where the employee is working.

Each of the two applications which an employee is permitted to file late must be accompanied by a copy of the agency statement. Otherwise, offices of the Commission will not accept applications filed late.

If, for any reason, an employee desires to relinquish eligibility or to withdraw his application prior to rating or after an ineligible rating, under an examination for which he has filed late, he may do so by notifying the office of the Commission where the application was filed. At the same time, he may request that the "late filing privilege", thus restored, be used to late file in another examination. Commission offices will honor these requests. This procedure may also be used to withdraw a "late filing" in one office and use it in another in those cases where indefinite employees may move to different geographical locations during continuous employment. In no event, however, can this procedure result in more than two eligibilities, resulting from late filing, being in effect at the same time.

C. Rating Applications Filed Late.

Indefinite employees who file late will be examined under the standards used in the open competitive examination. Their experience will be rated up to the date of filing. An employee will be given only one opportunity to pass any written test required in connection with an examination applied for on a "late filing" basis.

D. Other Requirements.

The apportionment, physical requirements, and age limits are waived, in all examinations (whether open or closed) under which these employees have filed applications prior to July 1, 1955, to the extent that they are waived for separated career employees.

Nonveteran employees with two or more members of their immediate family employed in the competitive service under career or career-conditional appointments are not eligible for conversion so long as this condition exists.

E. Certifying Employee Eligibles.

The records of indefinite employees rated eligible in any examination will be noted by offices of the Commission to insure that when the employees are within reach for certification they may be certified automatically to the agency where employed under arrangements to be made by the Commission's certifying office.

F. Conversion to Career or Career-Conditional Appointment.

Upon being reached for selection and upon being appointed to positions properly filled by the register from which selected, these employee eligibles shall have their appointments converted to career or career-conditional dependent upon satisfaction of the service requirement for career appointment.

G. Conversion Action.

In addition to the citation of the certificate number as authority for the action, cite "D.C. 776." Otherwise, the appointment determination and reporting requirements are as specified in the Federal Personnel Manual with respect to the appointments of employees selected from registers of eligibles.

IX. CONVERSION FROM CAREER-CONDITIONAL TO CAREER

A. Eligibility.

An employee serving under a career-conditional appointment shall have his appointment converted to career upon completion of the service requirement as specified in Section II of this circular.

B. Conversion Action.

The conversion to career appointment shall be effected by issuance of a Standard Form 50, Notification of Personnel Action, as follows:

1. Nature of Action - "Conversion to career appointment"
2. Civil Service Authority citation - "C.S. Reg. 2.301."
3. Effective date - Enter the first date following the date upon which the service requirement is completed.
4. Remarks -
 - a. "Service from (date) credited on probationary period" if the employee is serving a probationary period at the time of conversion.
 - b. Enter the dates of the most recent period of substantially continuous creditable service which represents compliance with the service requirement, e.g., "Substantially continuous service from (date) to (date of conversion)."

X. CONVERSION UPON EMPLOYMENT AFTER MILITARY SERVICE

A. Coverage.

Persons otherwise eligible for conversion to career or career-conditional appointment and who would be converted as provided in one of the preceding

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sections of the circular except for their absence in military service, shall be so converted upon their return from military service. This section covers returning employees who left their positions prior to January 23, 1955, and who are employed in the competitive service (in the same or different agency) after January 23, 1955, pursuant to an application for employment made within 90 days after honorable discharge or within 90 days after a period of hospitalization continuing for not more than one year after honorable discharge.

B. Eligibility.

The evidences for eligibility and requirements prerequisite to conversion shall be the same as if the employee had been on duty in the agency on January 23, 1955.

C. Conversion Action.

In each case of this kind the employment action itself may be used to convert the returning employee to a career or career-conditional appointment. At the option of the agency, however, a Standard Form 50 effecting the conversion may be issued separately after issuance of a Standard Form 50 effecting the employment. In either event, the "Conversion" action must be prepared to include the items specified under the particular preceding action which would have applied if the employee had not been absent in military service. All conversions of this kind shall be effective as of the date specified in the preceding section of this circular which is pertinent to the particular conversion. Thus, these employees will be eligible for statutory restoration (see FPM Chapter R6).

XI. RETIREMENT COVERAGE FOR CAREER AND CAREER-CONDITIONAL EMPLOYEES

Persons receiving career or career-conditional appointments in the competitive service, by conversion or otherwise, are automatically covered by the Civil Service Retirement Act. The effective date for beginning retirement deductions is the first pay period beginning on or after the date on which the career or career-conditional appointment is officially approved in the agency.

Employees not now subject to the Retirement Act, who continue to serve under "indefinite" appointments, will remain excluded from Retirement Act coverage.

XII. MILITARY AND DEFENSE-TRANSFER VACANCIES

A. Prohibition against conversion to career appointment.

Notwithstanding instructions in any of the preceding sections, the appointments of employees occupying the following positions shall not be converted to career: (1) positions vacated by persons entering military service

with statutory restoration rights to the positions, and (2) positions vacated by persons transferring to defense activities with reemployment rights to the positions.

Where such a position is under the Postal Pay Act of 1945, as amended and supplemented, the incumbent's appointment may not be converted so long as he remains in the position or so long as the prior incumbent's claims to restoration or reemployment are unsatisfied. Where such a position is elsewhere in the competitive service the incumbent may only be converted to career-conditional appointment so long as he remains in the position or so long as the prior incumbent's claim to restoration or reemployment is unsatisfied.

B. Subsequent conversion to career appointment.

During a period of continuous employment after January 23, 1955, an employee who is otherwise eligible for conversion to career appointment shall be so converted upon the occurrence of either of the following: (1) movement to a position other than a military or defense-transfer vacancy, or (2) satisfaction of the restoration or reemployment rights of the person who has a claim against the military or defense-transfer vacancy.

C. Conversion Action.

Such conversions shall be effective as of the first date following the day upon which one of the circumstances described in paragraph B, above, occurs. Other reporting requirements are specified in the particular section of this circular under which conversion to career appointment would have been made except for the fact that the employee occupied a military or defense-transfer vacancy.

XIII. APPOINTMENT, POSITION CHANGE, AND REDUCTION IN FORCE DURING TRANSITION

NOTE: This section also applies to actions involving positions under the Postal Pay Act of 1945, as amended and supplemented.

A. Appointment and Position Change.

1. Actions Effective Prior to January 23, 1955, will be processed under regulations and instructions currently in effect and without regard to the other provisions of this circular. For example, there will be instances where certificates for indefinite or probationary appointment are issued, or where commitments for indefinite appointment (either from or outside registers) are made, prior to January 23, 1955. If the actions are effective prior to January 23, 1955, follow current regulations. Thereafter, the employees will be considered for conversion as prescribed in the pertinent sections of this circular.

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2. Actions Effective On and After January 23, 1955, will be processed under revised regulations and instructions effective on that date. For example, on and after January 23, 1955:
 - (a) appointments from registers, including the apportioned service, will be "career" or "career-conditional" or "conversion to career" or "conversion to career-conditional," etc.,
 - (b) appointments to continuing positions made by selection outside registers will be "Temporary Appointments Pending Establishment of Registers", NOTE: Every effort should be made to avoid such appointments by processing applications through open examinations. Instructions in this regard will be issued by the examining offices of the Commission.
 - (c) noncompetitive appointments based on prior service with competitive status will be "reinstatement."
- All such actions will be taken in accordance with and subject to the requirements of the revised regulations (Chapter Z1 of the FPM).

3. Inquiry as to Availability (not applicable to positions under Postal Pay Act of 1945.)

Inquiries as to availability for indefinite appointment sent eligibles after receipt of this circular shall include a notation to the effect that (1) persons entering on duty before January 23, 1955 will have their indefinite appointments converted to career or career-conditional, and (2) persons entering on duty on or after January 23, 1955 will receive initial career or career-conditional appointments.

B. Reduction in Force Actions.

There may be situations in which reduction in force notices have been issued prior to January 23, 1955, to be effective after that date. If such notices concern employees eligible for conversion to different types of appointment and retention categories under this circular and Part 20 of the Regulations, the notices must be amended to conform with the factual retention standing in effect on the effective date of the proposed action.

Some of the employees so involved may not have had their eligibility fully established as of the effective date of the proposed reduction-in-force action (particularly in cases covered by Sections IV-B3, VI, and VII of this Circular). In such cases, the employees will be tentatively placed in the retention group for which there is prima facie evidence of eligibility, pending final resolution of his case.

XIV. DETAILING EMPLOYEES TO OTHER POSITIONS

An essential requirement of the merit system is that persons who qualify in competitive examinations may be appointed only to positions appropriately filled from registers established pursuant to the examination. This concept means that the position must be of an appropriate kind and must be located in the area of competition. It is for this reason that the Civil Service Regulations restrict the noncompetitive movement of employees within three months following competitive appointment.

Detailing employees to other kinds of positions or to other examining jurisdictions immediately after competitive appointment tends to compromise the competitive principle. Consequently, in any instance where it is found that such details are made and there was no continuing need for, and no intent to require, service in the position to which competitively appointed, the Commission will require that the employee serve at least three months in the proper position. (See Section 9 of FPM Chapter XI).

XV. ACQUISITION OF COMPETITIVE CIVIL SERVICE STATUS BY INCUMBENTS OF EXCEPTED POSITIONS

A. Eligibility for Acquisition of Status.

Employees (1) who secured appointments or position changes prior to January 2, 1955, by selection in regular order from competitive civil service registers established subsequent to February 4, 1946, (2) who are serving under indefinite appointments in excepted positions on January 23, 1955, and (3) who meet the requirements contained in paragraphs IV-B and C, above, (and paragraph X-B as it incorporates these paragraphs), shall acquire a competitive civil service status upon completion of a probationary period.

B. Recording Acquisition of Status.

Each employee who acquires a competitive status, as provided herein, shall be issued an official notice of personnel action to this effect, and a copy of such notice shall be filed with the permanent records of his employment in the agency. The reporting requirements of paragraph IV-D, 2 above also apply. The acquisition of competitive status shall be effective as of January 23, 1955. The notification of personnel action shall show the nature of action as "Acquisition of a competitive status," and "D.C. 776" as authority for the action. The following statements shall be entered under "Remarks" on the notice:

1. The date and type of the personnel action used as the basis for the acquisition of competitive status, and the authority for such action, e.g., "Appointed 1-5-53 under CSC Cert. 435, 5th Reg., 1-2-53."
2. "This action confers competitive civil service status after completion of a probationary period and permits movement to positions in the competitive service without competitive examination."

3. "Service from (date) credited on probationary period" if the employee is serving a trial period at the time of the action.

C. Effects of Acquisition of Competitive Status.

The provisions of Civil Service Rule 6.4 will apply to employees who acquire competitive civil service status under these instructions while serving in Schedule B positions. The only other positive effect of this action is that all employees affected become eligible for non-competitive entry into the competitive service by reinstatement, subject to the requirements of the Civil Service Regulations respecting reinstatement.

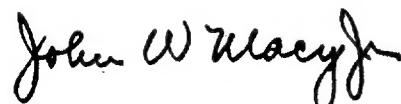
Except as provided above, conditions of employment in the excepted position occupied are not affected by the acquisition of competitive status under this section. Retirement coverage will continue to be governed by the conditions of employment existing without regard to the acquisition of competitive status. This grant of competitive status does not of itself confer retirement coverage on the employee. He will come under the Retirement Act only if the nature of his appointment is changed to a type not excluded from retirement coverage by Executive Order or Commission action. Employees who acquire competitive status while serving in excepted positions do not thereby become a part of the competitive service for any purpose.

XVI. COMMISSION REVIEW AND INSPECTION

Commission offices will review the cases of employees who claim eligibility for conversion under this circular but who are not so converted. Such requests must be submitted to the Commission office which maintains the register from which appointment may have been made. All actions taken under this Circular are subject to inspection for compliance with the regulations and instructions of the Commission.

XVII. INQUIRIES

Inquiries concerning this Circular shall be made to the appropriate regional office of the Commission or to that point in the Central Office which would normally handle questions of the specific nature concerned.



John W. Macy, Jr.
Executive Director